

NO FIGHT IN CALIFORNIA

Gov. Gillett Instructs Atty-Gen. Webb to Bring Proceedings To Stop It.

IS IN CONTARVENTION OF LAW.

Regarded as Knockout Blow for The Game in the Golden State.

Salt Lake Now One of Places Being Considered by Promoters of Johnson-Jeffries Match.

San Francisco, June 16.—Drish despair, like an ill omened night bird, broods over the fight fans of San Francisco. Gov. Gillett's message to Atty-Gen. Webb, invoking the arm of the law to put a quietus on the Jeffries-Johnson and the Langford-Kaufman contests, are generally regarded as a knockout blow to the fight game in California. The issue, however, is a matter for the courts to determine finally, and unless promoters Rickard and Gleason conclude voluntarily to abandon their plan of holding the "battle of the century" in this city, it may be several days or longer before a definite solution of the chaotic question regarding the scene of the championship contest is arrived at. Reno and Ely, Nev., and Salt Lake City are the alternative localities now under consideration.

A vigorous struggle to defeat the governor's attempt to stop the fight is in progress, however. Mayor McCarthy will come to the rescue of the promoters, he announced in a statement issued from Chicago last night. And the latest announcement from Promoter Gleason is that the attorneys representing him and Rickard have advised them to go ahead with their arrangements for holding the contest in San Francisco.

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"We will not upon the advice of our lawyers," Gleason said early today. "We have not violated the law in any way, nor do we intend to."

WEBB'S STATEMENT.

Atty-Gen. Webb, in a statement issued late last night pledges himself to stop the contest. He says: "The letter of the governor is a positive and peremptory command addressed to this office to prevent the Jeffries-Johnson fight. The governor states that the fight, if held, will be a prize fight, and that prize fights are prohibited by the laws of this state."

"This command the governor has the right and power to make, and it is the duty of this office to comply with it. I shall take such action as the law warrants to prevent the fight being held. It is the right of the office of the governor to command; it is the duty of this office to obey. His instructions will be followed to the letter."

"I am not at liberty to state just the character of proceeding that will be instituted, but such action or actions as may be necessary to accomplish the ends desired by the governor will be brought."

"My final word in this matter is that I am going to carry out the governor's instructions. I am going to stop the fight."

In a statement given out earlier in the evening, Mr. Webb indicated that the construction he would place on the Jeffries-Johnson battle, which its promoters declare will not be a prize fight but merely a boxing contest and therefore not in conflict with the state law.

"The fact of the matter is," declared the attorney-general, "that if this contest is one in which the contestants enter the ring with the avowed intention of 'knocking each other out' to use a fighting term, it is a prize fight and against the law. If they do not contend to knock each other out, I apprehend it is a fake and ought to be stopped."

Whether Tex Rickard will stand by Gleason in contesting the governor's order has not yet been stated. The

latest word from Rickard is that he will await the attorney-general's careful examination of the law. He has been promised a definite answer from that official in three days, he says, as to whether there is a possible chance of holding the fight here.

MAY COME TO SALT LAKE.

"If we can't fight in San Francisco," he concluded, "then we will go either to Reno or Ely, Nevada or to Salt Lake City, Utah. Either of those cities will welcome us with open arms."

When the dispatching news was first brought to Rickard he smiled grimly and puffed hard at his cigar. "It's pretty tough that we should have been allowed to go this far and then be crushed," he lamented. "We will be losers by about \$40,000 if the fight doesn't take place here. That sum has actually been spent by us up to date on the arena and for other things, and we are not counting upon our \$20,000 forfeit to the fighters' agents. The work on the arena will be continued till we are positively told to stop, but before I make up my mind to pull off the fight here, I must have satisfactory assurance that there will be no interference of any sort."

Just what Mayor McCarthy intends to do to frustrate the plan of the governor's determination to stop the contest is a mystery to all concerned.

JEFFRIES INCREDULOUS.

Report from Ben Lomond says that Jim Jeffries is still incredulous over the news that the governor has interfered. The big fellow apparently can't bring himself to believe that the governor is sincere in his instructions to the attorney-general. Jack Johnson likewise finds it difficult to credit the information. Both, however, reluctantly declare that if they can't fight in California, they will leave it to the promoters to pick the location for the contest, as it is stipulated in the fight articles of agreement.

JOHNSON'S STAND.

Johnson made a naive suggestion as a way out of the dilemma. "All I want is to fight," he said. "If I break any of the laws of the state I am willing to settle for it afterward."

The negro champion did not seem to be much perturbed, however, over the situation. "Of course I'll go right along with my training," he said. "I will be ready to go into the ring anywhere the promoters pick it. If they want to fulfill my part of the arrangement, I'll be ready on the date specified in the articles."

But Blot, who is promoting the Kaufman-Langford contest scheduled to be held here next Saturday, declares that he will carry out his plans for that event despite the governor's orders to the contrary. He says his lawyers have assured him that he is acting in conformity with the laws, in staging that fight.

By switching the fight from San Francisco to some other point, the promoters assert that they stand to lose a large sum. It is estimated that the state receipts if the fight is held here will be in the neighborhood of half a million dollars. That sum would be very materially reduced if it is necessary to change the scene.

GILLET'S NOT INFLUENCED.

Gov. Gillett, in an interview given out at Sacramento last night, denied that political considerations prompted his action in the fight matter. He declared also that the action was not influenced by the telegram to President Wheeler of the San Francisco chamber of commerce from Representative Bennett of New York, saying that the fight would interfere with San Francisco's securing congressional aid for the Pacific Panama exposition.

The only reason he would advance was his declaration that the fight was not countenanced by the laws of the state and that he considered it his official duty to stop it.

GOV. GILLET'S LETTER TO ATTY-GEN. WEBB.

Following is the full text of Gov. Gillett's letter to the attorney-general ordering that the Johnson-Jeffries fight be stopped:

"State of California, executive office, Sacramento, Cal., June 14, 1910.—Hon. U. S. Webb, Attorney-General, San Francisco, Cal.—Dear Sir: I desire to call your attention to a so-called prize fight to take place on the Fourth of July next in the city of San Francisco between one Jim Jeffries and one Jack Johnson.

"Many complaints are received at this office from prominent citizens of the state protesting against this so-called fight and requesting that some action be taken by the proper authorities to stop the same.

"The district attorney of San Francisco has informed me that he does not propose to interfere in the matter.

"The first session of the legislature held in this state, in the year 1850, enacted a law making it a felony for two persons to fight each other upon a previous agreement, upon a wager for money or any other reward. This law has been amended from time to time, but never so as to make prize fighting lawful.

"In 1903 the legislature again amended the law relating to prize fighting. While the law, as amended, permitted 'sparing exhibitions' to be held upon a limited number of rounds, with gloves, to be held by a domestic incorporated club, it did not remove the ban which the laws of this state have always placed upon prize fights, and while a 'sparing exhibition' under certain conditions and restrictions is permissible under this act, a prize fight still remains a felony. Therefore the question arises, what is a prize fight, and what is a sparing exhibition?

"The former is a crime; the latter is lawful.

"It is claimed by many that the contest soon to take place between Johnson and Johnson is to be a prize fight, and that term is understood in the law, and therefore a crime under our statutes. If this be true, it should be prevented, but if carried out the interested parties should be punished as provided by law.

"If I believe that you should investigate the matter at once, and take such legal steps as may be proper, in your judgment, if warranted by the facts in presenting the case to the court for its decision, and ask to have all interested parties enjoined pending the hearing.

"Our supreme court has never defined a prize fight, and I believe that an opportunity should be given it to do so. Since the amendment of the law in 1899 permitting 'sparing exhibitions' prize fighting, under the guise of this amendment, has greatly increased and has been tolerated in California, until today our state is a Mecca for prize fighters, much to our discredit.

"Our people have the right to demand that prize fighting shall cease in this state, and I believe that if our laws are enforced—especially if our courts follow the decisions of our supreme courts of our sister states in defining a prize fight.

"PRIZE FIGHTING DEFINED.

"In Michigan a prize fight exists when there is an expectation of reward to be gained by the contest or competition, whether to be won from the contestant, or to be otherwise awarded, coupled with an intent to inflict upon such contestant some degree of bodily harm.

"In Kansas the supreme court held 'the contest must be a fight, and that there must be an intent on the part of the contestants to do violence to and inflict some degree of bodily harm on each other, and the fight must be for some prize or reward. Other states have similar rulings.

"To show that the so-called 'sparing exhibitions' held in this state under the auspices of incorporated athletic clubs have not been sparing exhibitions, but prize fights, I need but refer you to the files of our daily papers. I will call your attention to two or three of the recent ones. First the Moran-

McCarthy fight. The Oakland Tribune in its issue of April 30, in reporting it used this language:

"After the sixteenth round had gone some 60 seconds Moran landed a blow on McCarthy's jaw. It did not look to be a heavy punch, but the young fighter went over backwards, his head seemingly dropping below, as though his neck had been injured, and as he struck the floor the sound of the impact could be heard throughout the pavilion." McCarthy died.

ILLUSTRATIONS.

"Next the Nelson-Wolgaast fight took place on Washington's birthday. It seems that prize fighters always want to fight on Washington's birth, Decoration day and Independence day, and reported in the daily papers of that state by rounds. I quote from the San Francisco Chronicle of Feb. 23: 'Round 15—Nelson's lips were puffed and his mouth was swollen. They mixed it like tigers, Wolgaast having all the better of it, landing repeatedly on the body and jaw, with Nelson fighting whiny and spitting blood. Wolgaast utterly cut the batter's face to ribbons, but still the Dane came in for more.'

"Round 33—Wolgaast appeared loth to put in the finishing punch. He jabbed incessantly at the batter's anatomy, and again the blood flowed in a stream. Wolgaast almost knocked Nelson to the floor, landing blow after blow on the defenseless champion's face."

"If these contests were not prize fights then the historic battle between Heenan and Sayres was not one. I have no doubt that the coming contest between Jeffries and Johnson will be a repetition of the brutality mentioned in the foregoing fights, only on a large scale.

"If 'sparing exhibitions,' as permitted by our laws, make fights where men are killed, beaten into insensibility, and their faces cut into ribbons, are lawful acts, then it is time that the legislature should interfere and make such exhibitions a felony. Such contests are prize fights, not permitted by the law and should be punished as such. Those who engage in them are prize fighters and make their living by fighting each other for prizes and rewards. The whole business is demoralizing to the youth of our state, corrupts public morals, is offensive to the senses of a great majority of our citizens, and should be abated as a public nuisance and the offenders punished as such."

"If the court, upon petition, refuses to grant the relief prayed for therein, and permits the parties interested to proceed as advertised, by them, then I desire you, on behalf of the people of the state, to gather all evidence possible, and if the contest is carried out as advertised, and the parties fight for a purse or for a reward and inflict upon each other bodily injury, then you are to cause the arrest of the contestants and those interested with them in promoting the fight and try them on a felony charge for violating section 412 of the penal code."

Yours truly, J. N. GILLET.

SOME COMMENTS OF PARTIES WHO ARE INTERESTED.

San Francisco, June 15.—"I have nothing to add to my letter to Atty-Gen. Webb," said Mayor McCarthy, "I fully set forth therein."—Governor Gillett.

"I shall file a petition with the superior court within two or three days asking for a temporary restraining order against the Johnson-Jeffries fight principals and promoters."—Atty-Gen. Webb.

"We will not contest the action of the court if the first ruling goes against us. It will then be Nevada or Salt Lake," Tex Rickard said. "I will fight Johnson tomorrow, down here on the river bank."—James J. Jeffries.

"I am ready to go any place to fight. It makes no difference to me."—Jack Johnson.

"It looks like the game is off here, but we may hold the Langford-Kaufman fight next Saturday for all that."—Promoter Louis Blot.

"It looks like the finish. I can see no way to contest it. The governor represents both the civil and military authority of the state. They have put crimp in the game in California. Jimmy Coffroth, promoter Ketchell-Langford fight, July 2.

"It's all off now. The game is a dead one in California."—Stanley Ketchell.

The governor's action struck the fight promoters like a blow—a knockout at that. Best sales for the fight now total \$120,000 in cash. Expenses already incurred, according to Rickard, reach nearly \$30,000.

MAYOR MCCARTHY DOES SOME BIG TALKING.

Chicago, June 15.—"I am running make this fight," said Mayor McCarthy, "I am taking no orders from Gillett or his attorney-general. You can bet your last dollar that the fight will be pulled off in my town, just as advertised," said Mayor P. M. McCarthy of San Francisco here today when he learned of the action of Gov. Gillett.

"I would like to ask the governor of California," continued Mr. McCarthy, "if he thinks his own name into my town and tell us what we must do and what she shall not do. We know what we want and we get what we want when we want it."

"The big thing that we want just now is the scrap, which I say to you will be fought in San Francisco July 4, governor's attorney-general, and the rest of them to the contrary notwithstanding."

Asked what he would do if the national guard forces were ordered to stop the fight, McCarthy said: "I tell you we run San Francisco and we run it to suit ourselves. We are policemen to do what we tell them to do. The best bet of the day is that somebody will be badly licked in San Francisco on July 4 and by that I mean either Jeffries or Johnson."

Mayor McCarthy was in Chicago only an hour, going from one train to another on his return after a stay at Indianapolis, where he suffered with a broken leg. On the trip across town he first learned of Gov. Gillett's action regarding the prize fight.

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